

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

**EDGAR CABRERA and
OMAR MARTINEZ,**

Defendants.

8:07CR99

ORDER

This matter is before the court on the motion for an extension of time by defendant Omar Martinez (Martinez) (Filing No. 18). Martinez seeks an additional sixty days in which to file pretrial motions in accordance with the progression order (Filing No. 6). Martinez has filed an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted. Furthermore, the deadline for filing motions will be extended for the co-defendant.

IT IS ORDERED:

Defendant Martinez's motion for an extension of time (Filing No. 18) is granted. **All defendants** are given until **on or before June 16, 2007**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **April 17, 2007 and June 16, 2007**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendants' counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 17th day of April, 2007.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge